

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
SOUTHERN DIVISION**

STACY S. BAKER,)	
)	
Plaintiff,)	
)	
v.)	No. 8:21-cv-1052
)	
MIDLAND CREDIT MANAGEMENT, INC.,)	
)	
Defendant.)	

COMPLAINT

Plaintiff, STACY S. BAKER, (“Plaintiff”), by and through her attorney, alleges the following against Defendant, MIDLAND CREDIT MANAGEMENT, INC. (“Defendant”):

INTRODUCTION

1. Count I of Plaintiff’s Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (“FDCPA”).
2. Count II of Plaintiff’s Complaint is based on the Maryland Consumer Protection Act, Md. Code, Com. Law tit. 13 (“MCPA”).
3. Count III of Plaintiff’s Complaint is based on the Maryland Consumer Debt Collection Act, Md. Code, Com. Law tit. 14 (“MCDCA”).

PARTIES

4. Plaintiff is a natural person residing in Waldorf, Charles County, State of Maryland.
5. Defendant is a Kansas-organized business corporation, debt buyer, and debt collection agency with its principal place of business in the City of San Diego, San Diego County, State of California.
6. Plaintiff is a consumer as that term is defined by 15 U.S.C. § 1692a(3).

7. Plaintiff allegedly owes one or more debt as that term is defined by 15 U.S.C. § 1692a(5).
8. Defendant is a debt collector as that term is defined by 15 U.S.C. § 1692a(6).
9. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

10. Defendant is attempting to collect consumer debts from Plaintiff, allegedly owed by Plaintiff arising from an unpaid Synchrony Bank Amazon account and an unpaid Comenity Bank New York & Company account.
11. The alleged debts at issue arise from transactions for personal, family, and household purposes.
12. Within the past one year, Defendant attempted to collect consumer debts from Plaintiff.
13. In or around June 2020, Defendant started sending Plaintiff letters in an attempt to collect the alleged debts ("Collection Letters"). (Attached hereto as Exhibit A).
14. Plaintiff received the Collection Letters from Defendant in June 2020, August 2020, September 2020, October 2020, and January 2021.
15. The Collection Letters contain overt and veiled threats of legal action.
16. The Collection Letters Defendant sent several ultimatum dates for Plaintiff to pay or contact Defendant.
17. Defendant also calls Plaintiff at 240-682-0307 in an attempt to collect the alleged debts.
18. Defendant calls Plaintiff from 320-207-5246, 877-434-3807, 248-319-6076, and 844-725-5467, which are just some of Defendant's many telephone numbers.
19. Plaintiff has neither paid the alleged debts nor contacted Defendant.
20. The Collection Letters contain empty threats.

21. To date, Defendant has not taken the actions threatened in the Collection Letters.
22. Defendant has never intended to take the actions threatened in the Collection Letters.
23. Defendant's acts as described above were done intentionally with the purpose of coercing Plaintiff to pay the alleged debts.
24. The natural consequences of Defendant's statements and actions was to unjustly condemn and vilify Plaintiff for her non-payment of the alleged debts.
25. The natural consequences of Defendant's statements and actions was to produce an unpleasant and/or hostile situation between Defendant and Plaintiff.
26. Defendant's above-referenced conduct affected Plaintiff in a personal and individualized way by causing Plaintiff to experience fear, anger, stress, worry, frustration, embarrassment, and mental distress.

**COUNT I:
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

27. Defendant violated the FDCPA based on the following:
 - a. Defendant violated § 1692d of the FDCPA by engaging in conduct that the natural consequence of which was to harass, oppress, and abuse in connection with the collection of an alleged debt when Defendant attempted to coerce payment from Plaintiff with the use of empty threats of legal action;
 - b. Defendant violated § 1692e of the FDCPA by its use of any false, deceptive, or misleading representation or means in connection with the collection of any debt when Defendant engaged in, at least, the following discrete violations of § 1692e;
 - c. Defendant violated § 1692e(2)(A) of the FDCPA by its false representation of the character, amount, or legal status of any debt when Defendant attempted to coerce payment from Plaintiff with the use of empty threats of legal action;

- d. Defendant violated § 1692e(5) of the FDCPA by its threat to take any action that cannot legally be taken or that is not intended to be taken when Defendant attempted to coerce payment from Plaintiff with the use of empty threats of legal action;
- e. Defendant violated § 1692e(10) of the FDCPA by using any false representation or deceptive means to collect or attempt to collect any debt when Defendant engaged in, at least, all of the other discrete violations of § 1692e alleged herein; and
- f. Defendant violated § 1692f of the FDCPA by its use of unfair or unconscionable means to collect or attempt to collect any debt when Defendant engaged in all of the misconduct alleged herein.

WHEREFORE, Plaintiff, STACY S. BAKER, respectfully requests judgment be entered against Defendant, MIDLAND CREDIT MANAGEMENT, INC., for the following:

- a. Actual damages pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692k to be determined at trial;
- b. Statutory damages of \$1,000.00 per alleged debt attempted to be collected pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692k;
- c. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692k; and
- d. Any other relief that this Honorable Court deems appropriate.

COUNT II:
DEFENDANT VIOLATED THE MARYLAND CONSUMER PROTECTION ACT

28. Defendant's foregoing conduct violated the MCPA as it was engaging in unfair, abusive, or deceptive trade practices.

WHEREFORE, Plaintiff, STACY S. BAKER, respectfully requests judgment be entered against Defendant, MIDLAND CREDIT MANAGEMENT, INC., for the following:

- 29. Actual damages pursuant § 13-408(a) of the MCPA to be determined at trial;
- 30. Costs and reasonable attorneys' fees pursuant to § 13-408(b) of the MCPA; and
- 31. Any other relief that this Honorable Court deems appropriate.

**COUNT III:
DEFENDANT VIOLATED THE MARYLAND CONSUMER
DEBT COLLECTION ACT**

32. Defendant's foregoing conduct violated the MCDCA as follows:

- a. Engage in any conduct that violates §§ 804 through 812 of the federal Fair Debt Collection Practices Act in violation of § 14-202(11) of the MCDCA.

WHEREFORE, Plaintiff, STACY S. BAKER, respectfully requests judgment be entered against Defendant, MIDLAND CREDIT MANAGEMENT, INC., for the following:

- 33. Actual damages pursuant § 14-203 of the MCDCA to be determined at trial; and
- 34. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

April 30, 2021

By: /s/ Michael A. Siddons

Michael A. Siddons
Maryland Attorney #1402200002
THE LAW FIRM OF MICHAEL
ALAN SIDDONS, ESQUIRE
20 W. Cherry Street
Rising Sun, MD 21911
Tel: 410-705-0970
Fax: 610-514-5904
msiddons@siddonslaw.com
Attorney for Plaintiff

EXHIBIT A



Midland
Credit
Management

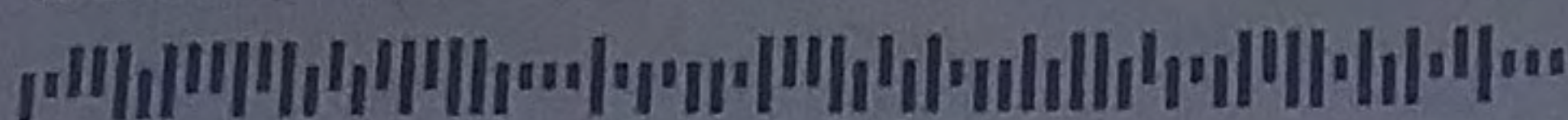
350 Camino De La Reina
Suite 100
San Diego, CA 92108

Midland Credit Management, Inc. is a debt collection company.

6/25/2020

Stacy S. Baker
4796 Kingfisher Ct
Waldorf, MD 20603-5504

P8 T225 021



Original Creditor

SYNCHRONY BANK
AMAZON

Original Account Number

xxxxxxxxxxxx2072

MCM Account Number

300483031

Current Balance

\$1,873.22

You are pre-approved for a

10% discount!

Reply Now MidlandCredit.com or call
877-875-5578 by 7/25/2020

Choose the Option That Works for You.

Midland Credit Management, Inc. gives you options to manage your account: make an online payment at MidlandCredit.com or call 877-875-5578. Whatever one you choose, we are offering you these fantastic savings below:

OPTION 1

10% off

You Pay Only:
\$1,685.90*

Offer Expiration Date:
7/25/2020

OPTION 2

5% off 6 Monthly Payments of
\$296.59**

First Payment Due Date: 7/25/2020

Visit MidlandCredit.com or
Call 877-875-5578 Now

ACCOUNT INFORMATION

Current Owner:
Midland Credit Management, Inc.

Original Account Number:
xxxxxxxxxxxx2072

MCM Account Number:
300483031

Current Balance:
\$1,873.22

Let's put this debt behind you. Visit MidlandCredit.com, or call 877-875-5578 today, to pay off your account and regain your financial freedom!

Sincerely,

Tim Bolin

Division Manager

*To take advantage of Option 1, log in to MidlandCredit.com, choose "MAKE A PAYMENT" and follow the on-screen instructions. You may also call 877-875-5578.

**Option 2 is only available by calling 877-875-5578.

We are not obligated to renew any offers provided.

350 Camino De La Reina
Suite 100
San Diego, CA 92108

Visit MidlandCredit.com or Call **877-875-5578** N

Hours of operation: Mon-Fri: 8am - Midnight ET Sat-Sun: 8am - 7:30pm

PLEASE SEE REVERSE SIDE FOR IMPORTANT DISCLOSURE INFORMATION

☐ Check here if you provided updated contact information on the reverse side.



Manage Your Account Online
MidlandCredit.com

MCM Account Number

300483031



Midland
Credit
Management™

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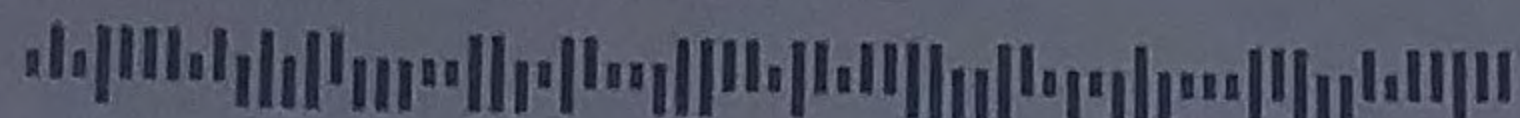
350 Camino De La Reina
Suite 100
San Diego, CA 92108

PRE-LEGAL NOTIFICATION

8/5/2020

Stacy S. Baker
4796 Kingfisher Ct
Waldorf, MD 20603-5504

P24 T562 024



Account Details

Original Creditor	SYNCHRONY BANK
Original Account Number	XXXXXXXXXXXX2072
Current Servicer	Midland Credit Management, Inc.
MCM Account Number	300483031
Current Owner	Midland Credit Management, Inc.
Current Balance	\$1,873.22

ACT NOW:

Attorney review may be the next step

Pay by 9/4/2020 at MidlandCredit.com
or call 877-798-6947

RE: SYNCHRONY BANK

AMAZON

Dear Stacy,

Midland Credit Management, Inc. has made several attempts to contact you regarding this account. MCM is now considering forwarding your account to an attorney in your state for possible litigation. Upon receipt of this notice, please pay at MidlandCredit.com or call 877-798-6947 to discuss your options.

If we don't hear from you or receive payment by 9/4/2020, we may proceed with forwarding this account to an attorney.

Here are some options to resolve your debt:

- Pay your full balance of \$1,873.22
- Call us to see how to qualify for payment plans

If your account is forwarded to an attorney, this may result in a lawsuit against you.

Pay online 24/7 at MidlandCredit.com

We encourage you to call us: 877-798-6947.

Hours of Operation: Mon-Fri: 8am - Midnight ET Sat-Sun: 8am - 7:30pm ET

Sincerely,

Tim Bolin Division Manager

For your reference:

Your Account Number at Charge-off was xxxxxxxxxxxx2072. The Creditor at Charge-off was SYNCHRONY BANK. Charge-Off Balance \$1,873.22.

You may request the following information by writing us at PO Box 93090 San Diego, CA 92123 and the same will be provided to you at no cost within 30 days of receipt of your written request: 1) An account statement or complete transactional history, as applicable, reflecting your name, the last four digits of the account number at the time of charge-off, and the charge-off balance and/or claimed balance, excluding any post charge off payments; 2) A listing of all prior owners of this account and transfer information; 3) Documentation evidencing the transfer of ownership of the account to Midland Credit Management, Inc.; 4) An account statement or complete transactional history reflecting purchase, payment or other actual use of the account or a signed document reflecting the opening of the account at issue; 5) an explanation of how any amount we are seeking to collect in excess of charge-off was calculated; and 6) If applicable, the terms and conditions applicable to the account.

We are not obligated to renew any offers provided



MidlandCredit.com



877-798-6947



Midland Credit Management, Inc.
PO Box 301030
Los Angeles, CA 90030-1030

PLEASE SEE REVERSE SIDE FOR IMPORTANT DISCLOSURE INFORMATION

☐ Check here if you provided updated contact information on the reverse side.

MCM Account Number
Current Balance

300483031
\$1,873.22



Manage Your Account Online
MidlandCredit.com

Pre-Legal Department

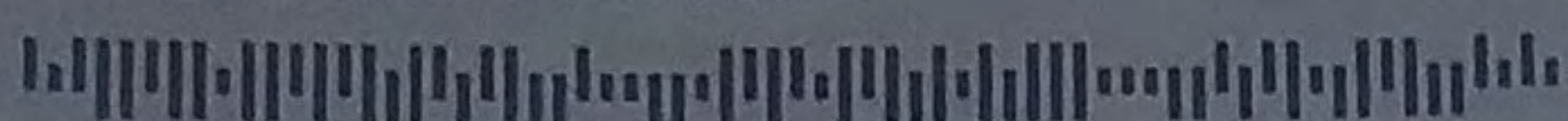
NOTICE OF POSSIBLE ATTORNEY REVIEW

Midland
Credit
Management350 Camino De La Reina
Suite 100
San Diego, CA 92108

MCM's Pre-Legal Department has attempted to contact you regarding this account

Stacy S. Baker
4796 Kingfisher Ct
Waldorf, MD 20603-5504

P9 T167 016



PRE-LEGAL NOTIFICATION

SECOND NOTICE
Pay at MidlandCredit.com or
Call 877-798-7851

9/9/2020

RE: SYNCHRONY BANK AMAZON
Original Account Number: xxxxxxxxxxxx2072
MCM Account Number: 300483031

CURRENT STATUS OF YOUR ACCOUNT

We are proceeding with an evaluation of your account and are considering forwarding this account to an attorney in your state for possible litigation. Contact us by **10/9/2020** to resolve this account.

IF YOU DO NOT CONTACT US

Failure to make a payment or contact us will result in the continuation of the pre-legal review process. After the pre-legal review process, your account may be forwarded to an attorney.

SOME OF YOUR OPTIONS

Call us at **877-798-7851** today to stop this process!
Make a payment using the slip provided below or pay online at **MidlandCredit.com**.

LET US HELP YOU

If your account is forwarded to an attorney, this may result in a lawsuit against you. If this process results in litigation, and a judgment is entered against you, the judgment will be enforceable according to state law. There still is an opportunity to set up a payment plan and avoid the hassle and inconvenience of the legal process. Please call us today: **877-798-7851**.

STOP THE
PRE-LEGAL
PROCESS

- Pay your full balance of \$1,873.22
- Call us to see how to qualify for payment plans

Reply by 10/9/2020 at
MidlandCredit.com
or 877-798-7851Mon-Fri: 8am - Midnight ET
Sat-Sun: 8am - 7:30pm ET

Sincerely,

Tim Bolin Division Manager

We are not obligated to renew any offers provided



MidlandCredit.com



877-798-7851

Midland Credit Management, Inc.
PO Box 301030
Los Angeles, CA 90030-1030

PLEASE SEE REVERSE SIDE FOR IMPORTANT DISCLOSURE INFORMATION

☐ Check here if you provided updated contact information on the reverse side.MCM Account Number
Current Balance300483031
\$1,873.22

Total Enclosed

\$

Manage Your Account Online
MidlandCredit.com

Important Payment Information

Make checks payable to:
Midland Credit Management
Enter your MCM Account # on all payments

00001094



Midland
Credit
Management™

00001838

350 Camino De La Reina
Suite 100
San Diego, CA 92108

10/14/2020

ATTORNEY REVIEW PLANNED

Pre-Legal Department
MidlandCredit.com
Ph: 877-735-3150
Mon-Fri: 8am - Midnight ET
Sat-Sun: 8am - 7:30pm ET

Stacy S. Baker
4796 Kingfisher Ct
Waldorf, MD 20603-5504

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FINAL NOTICE

IMPORTANT NOTICE - PLEASE READ CAREFULLY
FAILURE TO REPLY WILL RESULT IN ATTORNEY REVIEW

RE: SYNCHRONY BANK AMAZON
Reference MCM Account Number: 300483031
Current Owner: Midland Credit Management, Inc.

Dear Stacy,
This is a demand for full payment of \$1,873.22. Please login to your account at MidlandCredit.com and pay, or call our Pre-Legal department at 877-735-3150 by 11/13/2020 to resolve this account. If you do not reply, we plan on sending your account to an attorney in the state of MD.

What will an attorney do?

We intend to have a lawsuit filed against you. Before a lawsuit can be filed, an attorney must review your account. If the attorney determines there is cause for a suit, they will:

- Commence a lawsuit in a local court
- Serve a copy of the lawsuit personally on you, which could be done by a process server, a sheriff, or other means
- Seek to obtain a judgment

How could a judgment impact you?

If we receive a judgment, you may be responsible for court costs and post-judgment interest charges. In addition, we may choose to attempt the following post-judgment remedies:

- Obtain a lien against your property
- Garnish your wages or bank account(s)
- Obtain information about your assets, which could be done by a notice request, deposition, or a subpoena to appear in court

What are my options?

We want to help you resolve this matter voluntarily. With flexible payment options tailored to your needs, we will work to avoid sending your account to an attorney. Pay today online at MidlandCredit.com or call 877-735-3150 today to discuss what options are available.

Sincerely,
Tim Bolin
Division Manager

PS. Your prompt attention is necessary to avoid the possibility of attorney review. Pay online at MidlandCredit.com or call 877-735-3150 by 11/13/2020.

We are not obligated to renew any offers provided

PLEASE SEE REVERSE SIDE FOR IMPORTANT DISCLOSURE INFORMATION

☐ Check here if you provided updated contact information on the reverse side.



Manage Your Account Online
MidlandCredit.com



Midland
Credit
Management

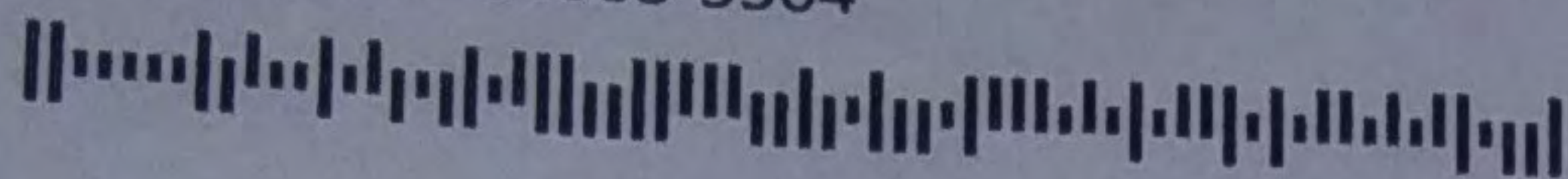
350 Camino De La Reina
Suite 100
San Diego, CA 92108

Midland Credit Management, Inc. is a debt collection company.

6/26/2020

Stacy S. Baker
4796 Kingfisher Ct
Waldorf, MD 20603-5504

P8 T225 021



Original Creditor

COMENITY BANK
NEW YORK & COMPANY

Original Account Number

xxxxxxxxxxxx5994

MCM Account Number

300636028

Current Balance

\$1,563.46

You are pre-approved for a

10% discount!

Reply Now MidlandCredit.com or call
877-875-5578 by 7/26/2020

Choose the Option That Works for You.

Midland Credit Management, Inc. gives you options to manage your account: make an online payment at MidlandCredit.com or call 877-875-5578. Whatever one you choose, we are offering you these fantastic savings below:

OPTION 1*

10% off

You Pay Only:
\$1,407.11*

Offer Expiration Date:
7/26/2020

OPTION 2**

5% off 6 Monthly Payments of
\$247.55**

First Payment Due Date: 7/26/2020

Visit MidlandCredit.com or
Call 877-875-5578 Now

ACCOUNT INFORMATION

Current Owner:
Midland Credit Management, Inc.

Original Account Number:
xxxxxxxxxxxx5994

MCM Account Number:
300636028

Current Balance:
\$1,563.46

Let's put this debt behind you. Visit MidlandCredit.com, or call 877-875-5578 today, to pay off your account and regain your financial freedom!

Sincerely,

Tim Bolin

Division Manager

*To take advantage of Option 1, log in to MidlandCredit.com, choose "MAKE A PAYMENT" and follow the on-screen instructions. You may also call 877-875-5578.

**Option 2 is only available by calling 877-875-5578.

We are not obligated to renew any offers provided.

Visit MidlandCredit.com or Call **877-875-5578** Now

350 Camino De La Reina
Suite 100
San Diego, CA 92108

Hours of operation: Mon-Fri: 8am - Midnight ET Sat-Sun: 8am - 7:30pm

ACCOUNT INFORMATION



Midland
Credit
Management™

00007163

1/28/2021

Stacy S. Baker
4796 Kingfisher Ct
Waldorf, MD 20603-5504

102



ATTORNEY REVIEW PLANNED

Pre-Legal Department
MidlandCredit.com
Ph: 877-735-3150
Mon-Fri: 8am - Midnight ET
Sat-Sun: 8am - 7:30pm ET

FINAL NOTICE

**IMPORTANT NOTICE - PLEASE READ CAREFULLY
FAILURE TO REPLY WILL RESULT IN ATTORNEY REVIEW**

RE: COMENITY BANK NEW YORK & COMPANY
Reference MCM Account Number: 300636028
Current Owner: Midland Credit Management, Inc.

Dear Stacy,
This is a demand for full payment of \$1,563.46. Please login to your account at MidlandCredit.com and pay, or call our Pre-Legal department at 877-735-3150 by 2/27/2021 to resolve this account. If you do not reply, we plan on sending your account to an attorney in the state of MD.

What will an attorney do?

We intend to have a lawsuit filed against you. Before a lawsuit can be filed, an attorney must review your account. If the attorney determines there is cause for a suit, they will:

- Commence a lawsuit in a local court

- Serve a copy of the lawsuit personally on you, which could be done by a process server, a sheriff, or other means

- Seek to obtain a judgment

How could a judgment impact you?

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- Garnish your wages or bank account(s)

- Obtain information about your assets, which could be done by a notice request, deposition, or a subpoena to appear in court

What are my options?

We want to help you resolve this matter voluntarily. With flexible payment options tailored to your needs, we will work to avoid sending your account to an attorney. Pay today online at MidlandCredit.com or call 877-735-3150 today to discuss what options are available.

Sincerely,
Tim Bolin
Division Manager

PS. Your prompt attention is necessary to avoid the possibility of attorney review. Pay online at MidlandCredit.com or call 877-735-3150 by 2/27/2021.

We are not obligated to renew any offers provided

PLEASE SEE REVERSE SIDE FOR IMPORTANT DISCLOSURE INFORMATION

☐ Check here if you provided updated contact information on the reverse side.

MCM Account Number
Current Balance

300636028
\$1,563.46

Total Enclosed

\$

Mail Payments to:
Midland Credit Management, Inc.
PO Box 301030
Los Angeles, CA 90030-1030



Manage Your Account Online
MidlandCredit.com

Important Payment Information

Make checks payable to:

Midland Credit Management

Enter your MCM Account # on all payments

877-735-3150

se habla español
877-735-3387

000147078500030063602800156346022721001563460000787927047